

Dear Members of the Housing Committee:

I write today to ask you to vote '**NO**' on HB-6633. HB-6633 is yet another bill that creates top-down mandates and a bureaucratic paradigm to deal with the critical issue of affordable housing.

Please find below the most critical flaws in HB-6633:

- 1) An unelected official in consultation with other unelected persons will determine each town's fair share allocation. Non-Connecticut residents, non-US citizens/residents can have an outsized role in this process depending upon the discretion of the Secretary of the Office of Policy and Management. **Absolutely no involvement from any of CT's 169 towns or residents is required.** Effectively, a social activist or developer residing in California or Seattle or Portland can have more input than a long-time CT, tax-paying resident!

HB-6633 **Lines 70-75** "...the Secretary of the Office of Policy and Management, in consultation with Commissioners of Housing & Economic & Community Development and, as may be determined by the secretary, with advocates & organizations with expertise in affordable housing, fair housing and planning and zoning, is responsible for determining each municipalities fair share allocation of affordable housing units."

- 2) Rather than work with towns that have recently submitted affordable housing plans (June 2022) as required by 8-30j, HB-6633 mandates that towns and residents which generate the most revenue for the state will be penalized for their wealth and for their desire for open space. HB-6633's methodology also differs from CT's 8-30g and the recently adopted MA's MBTA communities zoning law (Section 3a). Both CT's 8-30g and MA's Section 3a allocate housing units based on the current number of housing units in a town—under the reasonable logic that larger towns are more prepared for a higher number of additional units than smaller towns are. HB-6633 fails to consider a town's current size and density, and other pertinent factors such a town's amount of undeveloped land, the market price of land, etc.

HB-6633 **Lines 107-127** "...increases fair share allocation of a municipality, if such municipality, when compared to other municipalities in the same region, has: (i) greater dollar value of ratable real and personal property (ii) has a higher median income (iii) lower percentage of its population that is below the federal property threshold (iv) a lower percentage of its population lives in multifamily housing."

- 3) HB-6633 creates 3 categories of affordable housing by adding a new category of extremely low income household (30% of state median income). This contrasts with 8-30g which has 2 categories of affordable housing (80% units and 60% units). Why is 3 categories of affordable housing better than 2 categories or better than 10 categories? What are the costs implications to towns by having 3 categories of affordable housing rather than 2 categories. Too many requirements may actually make building more affordable housing difficult and uneconomical. Why did MA's new MBTA Communities Zoning law (Section 3A) not include any express requirement for affordable units in a multi-family project that is allowed 'as of right'?

HB-6633 **Lines 141-151** "...Requirements to ensure that each municipal fair share plan provides for the creation of a sufficient supply of the different types of deed-restricted affordable housing required for meeting its fair share goal, including ensuring:

- (i) Not less than fifty per cent of the units are affordable to very low income households;
- (ii) Not less than thirteen per cent of units are affordable to extremely low income households;
- (iii) Not more than fifty per cent of the units are affordable to households with incomes above very low income but less than the low income threshold;”

- 4) Is HB-6633 an affordable housing bill or a bureaucracy bill? Why does a bill meant to mandate affordable housing units create another complicated point system to keep track of how many housing units were built? It is well known that too many requirements may actually make building more affordable housing difficult and uneconomical. Why burden towns with more costs and a complicated points system to control and monitor affordable housing unit activity? The ‘KISS’ principle (Keep it simple, stupid!) should apply here and the points system mandated by HB—6633 should be eliminated.

HB-6633 Lines 170-193 “.....In defining each municipality's obligation pursuant to this section, the secretary shall include the ability of each municipality to convert its municipal fair share allocation into a municipal fair share goal represented by points wherein:

- (A) Each affordable housing unit constitutes one point;
- (B) Additional bonus points may be added for certain types of housing units at a ratio conforming to the threshold requirements of subparagraph (C) of subdivision (1) of this subsection, provided that no fair share goal shall fall below eighty per cent of the municipality's initial fair share allocation;
- (C) Only one bonus point shall be awarded per unit such that the bonus points are not cumulative; and
- (D) Bonus points shall be awarded as follows:
 - (i) Qualifying housing affordable to households at or below the extremely low income threshold shall receive one additional point;
 - (ii) Qualifying units with two or more bedrooms shall receive one additional point; and
 - (iii) Qualifying units that constitute supportive housing as defined in section 17a-485c of the general statutes shall receive an additional point.”

- 5) HB-6633 creates the same hard deadlines for all 169 towns before any town has created a plan. HB—6633 ignores factors outside of a town’s control: state of the economy, undeveloped land, infrastructure capabilities, and that third party contractors and developers build the units—not the towns. Each town should be given the opportunity to prepare a plan and a cost analysis before any hard deadlines are established.

HB-6633 **Lines 194-201** “.....Sec. 2. (NEW) (Effective July 1, 2023) (a) Each municipality shall meet its fair share goals by issuing certificates of occupancy conforming to the requirements of subparagraph (C) of subdivision (1) of subsection (c) of section 1 of this act on the following schedule:

- (1) By year three: Five per cent completion;
- (2) By year five: Thirty per cent completion;
- (3) By year seven: Sixty per cent completion; and
- (4) By year ten: One hundred per cent completion.”

- 6) Adversarial relationships do not increase the supply of affordable housing. Towns have resource and budget constraints yet HB-6633 opens the door for costly litigation even when a town makes a ‘best efforts’ attempt to create an affordable housing plan. The

state should use incentives and foster a spirit of cooperation rather than use the cudgel of litigation in any legislation to increase the supply of affordable housing units.

HB-6633 Lines 247-279 “.....When any municipality fails to submit a fair share plan to the secretary in accordance with subsection (c) of section 1 of this act, or when a fair share plan submitted by a municipality fails to create a realistic opportunity for the municipality to attain its municipal fair share allocation, any interested party (nonprofit organization or developer) may bring an action in the Superior Court of the judicial district in which the municipality is located.”

Sincerely,

Mark Davis